

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LEN JOHN ALLEN,

06-CV-227-ST

Petitioner,

ORDER

v.

GUY HALL,

Respondent.

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**BROWN, Judge.**

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#45) on February 25, 2008, in which she recommended the Court deny Petitioner Len John Allen's Second Amended Petition for Writ of Habeas Corpus (#13) on the basis that (1) grounds B(1), B(2), B(3), C(2), and D lack support in the record; (2) ground C(1) is procedurally defaulted; and (3) the state court decisions are entitled to deference. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

Petitioner's Objections reiterate the arguments contained in

his Memorandum in Support of his Second Amended Petition for Writ of Habeas Corpus. The Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#45) and, therefore, **DENIES** Petitioner Lee John Allen's Second Amended Petition for Writ of Habeas Corpus (#13).

IT IS SO ORDERED.

DATED this 2<sup>nd</sup> day of June, 2008.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge